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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,032	12/18/2003	Bruce M. Potter	POU920030155US1	1732
46369 7590 12/12/2007 HESLIN ROTHENBERG FARLEY & MESITI P.C. 5 COLUMBIA CIRCLE ALBANY, NY 12203			EXAMINER SHIN, KYUNG H	
			ART UNIT 2143	PAPER NUMBER
			MAIL DATE 12/12/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/740,032

Applicant(s)

POTTER, BRUCE M.

Examiner

Kyung H. Shin

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responding to application papers filed on **12-18-2003**.
2. Claims **1 - 20** are pending. Claims **1, 4, 5, 6, 7, 11, 13, 14, 16, 18, 19** have been amended. Claims **1, 11, 16** are independent.

### ***Response to Arguments***

3. Applicant's arguments filed 9/14/2007 have been fully considered but are moot due to the new grounds of rejection.

3.1 Applicant argues that the referenced prior art does not disclose, "automatically, periodically retrieving by a browser server event data using a refresh frame of a page displayed by the browser. (see Remarks Pages 7, 8)

Rezvani discloses a data source and a data using device. And, Rezvani discloses a browser as the data using device (device that event data is displayed upon). (see Rezvani paragraph [0005], lines 1-3: web browser display device; paragraph [0004], lines 4-7; paragraph [0004], lines 10-13: refresh (data update) capability)

Rezvani discloses that the data (event data) is periodically pushed to a data using device based on the refresh interval. Since the data is sent without manual intervention, that fact that the data is pushed is equivalent to automatically. Rezvani and applicants invention disclose that data is pushed (see specification paragraph [0019]) from a source to a data destination on a periodic interval (refresh interval) using a heartbeat process. The heartbeat process is periodic communications that is a push

type communications from a monitoring module to a remote site as per claim limitation and specification. (see Rezvani paragraph [0062], lines 6-7: updated (refresh) data pushed to browser)

Paragraph [0041] of the specification indicated by applicant's remarks merely discloses that the transfer of data is dynamically and automatically updated. Rezvani discloses that the updated data is updated within a portion of the web page. (see Rezvani paragraph [0062], lines 6-7: updated (refresh) data pushed to browser; paragraph [0039], lines 13-19: updated portion of web page updated) The refresh process only refreshes (visually reprocesses) the portion of the display that the refresh data is specifically intended for.

3.2 Applicant argues that the referenced prior art does not disclose, "refresh frame is a hidden, zero-width frame", (see Remarks Page 8); "minimizing network utilization and server load, without requiring an entire page or an entire visible frame data frame) to be redrawn by the browser" (see Remarks Pages 8, 9); "no definition of a refresh frame per se", (see Remarks Page 8).

Rezvani discloses a refresh capability for the transfer of data from a source to a date display device and displayed on a web browser type system. Rezvani and Rees combination specifically discloses the capability for a refresh frame and the capability to utilize a hidden frame mechanism (zero-width, not displayed) as disclosed per applicant's invention. (see Rezvani paragraph [0005], lines 1-3: web browser; paragraph [0004], lines 4-7; paragraph [0004], lines 10-13; paragraph [00008], lines 1-4: data

refresh capability) and (see Rees paragraph [0017], lines 1-7; paragraph [0017], lines 18-21; paragraph [0019], lines 1-4; paragraph [0064], lines 1-5: refresh, hidden refresh frame, data frame, only portion of web page (frame) updated is processed)

3.3 Applicant argues, "rejection of dependent claims". (see Remarks Pages 9, 10)

Arguments for dependent claims 5, 13, 18 and 6, 14, 19 are based upon above arguments for independent claims 1, 11, 16. The successful responses to arguments for independent claims 1, 11, 16, also successfully respond to the current arguments against the dependent claims 5, 13, 18 and 6, 14, 19.

3.4 Rezvani discloses the capability to refresh or update data for a web browser based display. Rezvani and Rees combination discloses the capability for the specific usage of a refresh frame and the specific capability for the usage of a hidden frame in the transfer of refresh information.

The examiner has considered the applicant's remarks concerning an event data update capability for a data frame of a browser-displayed page provided by periodically retrieving event data using a refresh frame of the page and updating the data frame with event data. The updating of the data frame uses code understood natively by the browser. Periodic retrieval of event data by the refresh frame uses the same network connection used to download the refresh frame from a server. Applicant's arguments have thus been fully analyzed and considered but they are not persuasive.

After an additional analysis of the applicant's invention, remarks, and a search of the available prior art, it was determined that the current of prior art consisting of Rezvani (20020103897) and Rees (20040098493) discloses the applicant's invention including disclosures in Remarks dated September 14, 2007.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103 that form the basis for the rejections under this section made in this Office action:

a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 - 20 are rejected under 35 U.S.C. 103(a) as being anticipated by Rezvani et al. (US Patent No. 20020103897) in view of Rees (US PG PUB No. 20040098493).

**Regarding Claims 1, 11,** Rezvani discloses a method, system of updating event data on a page of a computing environment, said method comprising:

automatically, periodically retrieving by the browser server event data using a refresh capability of a page displayed by the browser; (see Rezvani paragraph [0005], lines 2-3; paragraph [0006], lines 1-5: web browser, display device; paragraph [0048], lines 4-8: retrieve event data, based on periodic communications), and updating by the browser a portion of the data frame of the page with event data

automatically retrieved using the refresh frame, the updating including employing  
code understood natively by the browser(see Rezvani paragraph [0005], lines 2-3;  
paragraph [0006], lines 1-5: web browser, display device; paragraph [0015], lines  
30-35; paragraph [0022], lines 1-10: software to interpret and update; paragraph  
[0042], lines 22-27; paragraph [0039], lines 1-5: update virtual representation of  
event data) Rezvani does not specifically discloses whereby the refresh frame  
being part of a frameset including the refresh frame and a data frame, the refresh  
frame being a hidden, zero-width frame and the data frame being a visible frame  
including an application interface.

However, Rees discloses:

- a) a refresh frame of a page displayed by the browser, the refresh frame being part  
of a frameset of the browser, the frameset including the refresh frame and a data  
frame, the refresh frame being a hidden, zero-width frame and the data frame  
being a visible frame including an application interface; (see Rees paragraph  
[0017], lines 1-7; paragraph [0017], lines 18-21; paragraph [0019], lines 1-4;  
paragraph [0064], lines 1-5: refresh, hidden refresh frame, data frame, only  
portion of web page (frame) updated is processed) and
- b) using the refresh frame, the updating including employing code understood  
natively by the browser. (see Rees paragraph [0017], lines 1-7; paragraph  
[0017], lines 18-21; paragraph [0019], lines 1-4; paragraph [0064], lines 1-5:  
refresh, hidden refresh frame, data frame, only portion of web page (frame)  
updated is processed)

It would have been obvious to one of ordinary skill in the art to modify Rezvani as taught by Rees to enable the capability for the refresh frame being part of a frameset including the refresh frame and a data frame, the refresh frame being a hidden, zero-width frame and the data frame being a visible frame including an application interface. One of ordinary skill in the art would have been motivated to employ the teachings of Rees in order to enable the capability for efficient processing of refresh information based on refreshing only the required frame. (see Rees paragraph [0017], lines 9-21: “ ... *When the agent does not want to change the Web page seen by the client, only one of the pair of frames (the one containing the refresh instruction) is transmitted to the client in response to the request from the client so the information which the client sees does not change. However, since that refresh instruction is a request to retrieve data from a particular site, if the agent changes the site corresponding to that refresh instruction, the client will be presented with a different Web page at the next refresh operation. The refresh instruction will then cycle, refreshing only the frame with the refresh instruction until the agent again changes the data to which the refresh operation is directed. ...* ”)

**Regarding Claims 2, 12, 17,** Rezvani discloses the method, system, program storage device of claims 1, 11, 16, wherein said code understood natively by the browser comprises code supported by an interpreter built into the browser as originally configured. (see Rezvani paragraph [0015], lines 17-21; paragraph [0022], lines 1-10: interpreter (JavaScript))



**Regarding Claim 3**, Rezvani discloses the method of claim 1, wherein said code understood natively by the browser comprises JavaScript code. (see Rezvani paragraph [0015], lines 17-21; paragraph [0022], lines 1-10: JavaScript utilized)

**Regarding Claim 4**, Rezvani discloses the method of claim 1, wherein the portion of the data frame updated is selectively chosen based on the event data. (see Rezvani paragraph [0044], lines 1-5; paragraph [0045], lines 3-7: event data determines information to be updated)

**Regarding Claims 5, 13, 18**, Rezvani discloses the method, system, program storage device of claims 1, 11, 16, wherein the frameset comprises a plurality of data frames, and the automatically, periodically retrieving comprises associating with the refresh frame a parameter that identifies one data frame of the plurality of data frames for which server event data is to be retrieved. (see Rezvani paragraph [0045], lines 3-7; paragraph [0048], lines 4-8: periodic communications to update information)  
  
(see Rees paragraph [0017], lines 1-7; paragraph [0017], lines 18-21; paragraph [0019], lines 1-4; paragraph [0064], lines 1-5: refresh, hidden refresh frame, data frame, only portion of web page (frame) updated is processed)

It would have been obvious to one of ordinary skill in the art to modify Rezvani as taught by Rees to enable the capability for the refresh frame being part of a frameset including the refresh frame and a data frame, the refresh frame being a hidden, zero-

width frame and the data frame being a visible frame including an application interface. One of ordinary skill in the art would have been motivated to employ the teachings of Rees in order to enable the capability for efficient processing of refresh information based on refreshing only the required frame. (see Rees paragraph [0017], lines 9-21)

**Regarding Claims 6, 14, 19**, Rezvani discloses the method, system, program storage device of claims 5, 13, 18, further comprising subsequently calling by the one data frame a function to stop the automatically, periodically retrieving of event data for that data frame. (see Rezvani paragraph [0018], lines 1-8; paragraph [0018], lines 12-15; paragraph [0025], lines 15-20: network connection between server and client, same communication network for event data and refresh data)

**Regarding Claim 7**, Rezvani discloses the method of claim 1, wherein said automatically, periodically retrieving further comprises periodically requesting, by the refresh frame, the server to refresh the refresh frame. (see Rezvani paragraph [0045], lines 3-7; paragraph [0048], lines 4-8: periodic communications to request event data update)

**Regarding Claims 8, 15**, Rezvani discloses the method, system of claims 5, 13, wherein said periodically retrieving further comprises:

- a) detecting the event data; (see Rezvani paragraph [0045], lines 3-7; paragraph [0048], lines 12-17: detect event data)

- b) sending, responsive to the detecting, the event data to the browser via the server; (see Rezvani paragraph [0053], lines 1-3; paragraph [0053], lines 9-16: send event data to browser) and
- c) wherein the detecting and the sending are performed automatically by an application coupled to the server irrespective of a manual request by a user for at least one of the periodically retrieving and the updating. (see Rezvani paragraph [0045], lines 3-7; paragraph [0048], lines 4-8: heartbeat, automatic communication (automatic), periodic communications to update event data)

**Regarding Claim 9**, Rezvani discloses the method of claim 1, wherein said periodically retrieving the event data further comprises receiving the event data at the browser within the code understood natively by the browser to be used to update the portion of the data frame, wherein the code is generated by the application. (see Rezvani paragraph [0015], lines 30-35; paragraph [0022], lines 1-10: standard browser interpreter code understood and processed by browser)

**Regarding Claim 10**, Rezvani discloses the method of claim 1, wherein said updating the portion of said data frame further comprises executing the code by the browser to update the portion of the data frame. (see Rezvani paragraph [0039], lines 1-5; paragraph [0035], lines 1-4: update device state representation on browser based on event data)

**Regarding Claim 16**, Rezvani discloses at least one program storage device readable by a machine, tangibly embodying at least one program of instructions executable by the machine to perform a method of updating event data on a page of a computing environment, said method comprising:

automatically, periodically retrieving by a browser server event data using a refresh process of a page displayed by the browser; (see Rezvani paragraph [0005], lines 2-3; paragraph [0006], lines 1-5: web browser, display device; paragraph [0045], lines 3-7; paragraph [0048], lines 4-8: retrieve event data, based on periodic communications), and updating by the browser a portion of the data frame of the page with event data automatically retrieved. (see Rezvani paragraph [0005], lines 2-3; paragraph [0006], lines 1-5: web browser, display device; paragraph [0015], lines 30-35; paragraph [0022], lines 1-10: software to interpret and update; paragraph [0042], lines 22-27; paragraph [0039], lines 1-5: update virtual representation of event data) Rezvani does not specifically disclose whereby the refresh frame and a data frame, the refresh frame being a hidden, zero-width frame and the data frame being a visible frame including an application interface.

However, Rees discloses:

- a) using a refresh frame of a page displayed by the browser, the refresh frame being part of a frameset of the browser, the frameset including the refresh frame and a data frame, the refresh frame being a hidden, zero-width frame and the data frame being a visible frame including an application interface; (see Rees paragraph [0017], lines 1-7; paragraph [0017], lines 18-21; paragraph [0019],

lines 1-4; paragraph [0064], lines 1-5: refresh, hidden refresh frame, data frame, only portion of web page (frame) updated is processed) and

- b) using the refresh frame, the updating including employing code understood natively by the browser. (see Rees paragraph [0017], lines 1-7; paragraph [0017], lines 18-21; paragraph [0019], lines 1-4; paragraph [0064], lines 1-5: refresh, hidden refresh frame, data frame, only portion of web page (frame) updated is processed)

It would have been obvious to one of ordinary skill in the art to modify Rezvani as taught by Rees to enable the capability for the refresh frame being part of a frameset including the refresh frame and a data frame, the refresh frame being a hidden, zero-width frame and the data frame being a visible frame including an application interface. One of ordinary skill in the art would have been motivated to employ the teachings of Rees in order to enable the capability for efficient processing of refresh information based on refreshing only the required frame. (see Rees paragraph [0017], lines 9-21)

**Regarding Claim 20**, Rezvani discloses the at least one program storage device of claim 18, wherein said periodically retrieving further comprises:

- a) detecting the event data; (see Rezvani paragraph [0045], lines 3-7; paragraph [0048], lines 12-17: detect event data)

- b) sending responsive to the detecting, the event data to the browser via the server;  
(see Rezvani.paragraph [0053], lines 1-3; paragraph [0053], lines 9-16: send event data to browser) and
- c) wherein the detecting and the sending are performed automatically by an application coupled to the server irrespective of a manual request by a user for at least one of the periodically retrieving and the updating. (see Rezvani paragraph [0045], lines 3-7; paragraph [0048], lines 4-8: heartbeat, automatic communication (automatic), periodic communications to update event data)

### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H. Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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December 3, 2007